

Message Text

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TO AMEMBASSY MADRID PRIORITY

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E.O. 11652: N/A

TAGS: SP, TGEN

SUBJECT: DRAFT PROTOCOL FOR ESTABLISHMENT OF JOINT COMMITTEE
FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

1. FOLLOWING REVIEW BY APPROPRIATE OFFICES, DRAFT PROTOCOL
FOR THE JOINT COMMITTEE FOR S&T COOPERATION IS FORWARDED
HEREWITH FOR NEGOTIATION WITH GOS. ALTHOUGH THIS DRAFT
DIFFERS SOMEWHAT IN LANGUAGE AND ORGANIZATION FROM EARLIER
DRAFT RECENTLY PROVIDED TO SCIATT IN WASHINGTON (WHICH WAS
BASED IN LARGE MEASURE ON DRAFT SUBMITTED TO SCIATT BY
MINISTRY OF FOREIGN AFFAIRS) THERE ARE NO SUBSTANTIVE
CHANGES. CHANGES ARE LARGELY IN ORGANIZATION (BY COMBINING,
IN ONE ARTICLE, MATERIAL ON RELATED MATTERS WHICH APPEARED
IN SEVERAL EARLIER ARTICLES) AND GENERAL TIGHTENING UP OF
LANGUAGE. WE HOPE THAT GOS WILL BE ABLE TO GIVE EARLY
ASSENT TO PROTOCOL IN ORDER TO FACILITATE CONVENING OF JOINT
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COMMITTEE.

2. PRINCIPAL SUBSTANTIVE CHANGES MADE TO SPANISH DRAFT SUB-
MITTED BY MFA ARE (A) ARTICLE V CONCERNING JOINT COMMITTEE

SECRETARIAT WHICH NOW ENCOMPASSES MATERIAL DRAFTED BY SCIATT FOLLOWING RECEIPT OF MFA DRAFT (PRESENT ARTICLE DESCRIBES IN MORE DETAIL FUNCTIONS AND FINANCING OF SECRETARIAT THAN WAS CONTAINED IN SEVERAL ARTICLES OF MFA DRAFT) (B) ARTICLE IV WHICH PROVIDES FOR CERTAIN INITIAL ACTIONS BY JOINT COMMITTEE, AND (C) A REQUIREMENT FOR CERTAIN ACTIONS OF THE JOINT COMMITTEE TO BE SUBMITTED TO THE JOINT COUNCIL OR THE TWO GOVERNMENTS (ARTICLES III (1)(3) IV (1)(2) AND VI) REQUIRED BECAUSE OF TREATY LANGUAGE.

3. BEGIN PROPOSED PROTOCOL.

-- PROTOCOL OF THE JOINT COMMITTEE
-- FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

IN ORDER TO IMPLEMENT SUPPLEMENTARY AGREEMENT NO. 3 TO THE TREATY OF FRIENDSHIP AND COOPERATION BETWEEN SPAIN AND THE UNITED STATES OF AMERICA ("SUPPLEMENTARY AGREEMENT"), THE FOLLOWING IS AGREED:

-- ARTICLE I

THE JOINT COMMITTEE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION ("JOINT COMMITTEE") BETWEEN SPAIN AND THE UNITED STATES IS HEREBY ESTABLISHED AS PROVIDED FOR UNDER THE SUPPLEMENTARY AGREEMENT AS A COMPONENT OF THE SPANISH-UNITED STATES COUNCIL ("COUNCIL") PROVIDED FOR IN ARTICLE I OF THE TREATY OF FRIENDSHIP AND COOPERATION ("TREATY") IN ORDER TO CARRY OUT THE BROAD PROGRAM OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION FOR PEACEFUL PURPOSES AS SPECIFIED IN ARTICLE III OF THE TREATY.

-- ARTICLE II

1. THE JOINT COMMITTEE SHALL BE CONSTITUTED AS FOLLOWS:

-- (A) THE SPANISH COMPONENT, WHICH WILL CONSIST OF A
-- CHAIRMAN, WHICH POSITION SHALL BE HELD BY THE
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-- DIRECTOR GENERAL IN CHARGE OF INTERNATIONAL
-- SCIENTIFIC AND TECHNOLOGICAL COOPERATION IN THE
-- MINISTRY OF FOREIGN AFFAIRS (OR SUCH OTHER
-- OFFICIAL DESIGNATED BY THE MINISTRY OF FOREIGN
-- AFFAIRS), AND A NUMBER OF MEMBERS REPRESENTING
-- THE FIELDS RECOGNIZED IN ARTICLE I OF THE SUPPLEMENTARY AGREEMENT AS HAVING PARTICULAR IMPORTANCE TO DEVELOPMENTAL PROGRESS. THE CHAIRMAN
-- OF THE SPANISH COMPONENT WILL BE A COCHAIRMAN OF
-- THE JOINT COMMITTEE.

-- (B) THE UNITED STATES COMPONENT, WHICH WILL CONSIST

-- OF A CHAIRMAN, WHICH POSITION SHALL BE HELD BY A
-- UNITED STATES OFFICIAL TO BE DESIGNATED BY THE
-- DEPARTMENT OF STATE, AND A NUMBER OF MEMBERS
-- EITHER FROM THE UNITED STATES EMBASSY IN SPAIN

-- ("EMBASSY") OR FROM AGENCIES OF THE UNITED STATES
-- GOVERNMENT. THE CHAIRMAN OF THE UNITED STATES
-- COMPONENT WILL BE A COCHAIRMAN OF THE JOINT
-- COMMITTEE.

-- (C) A COMMITTEE SECRETARIAT AS PROVIDED FOR IN
-- ARTICLE V BELOW.

2. (A) THE NAMES OF THE MEMBERS OF THE SPANISH COMPO-
-- NENT SHALL BE TRANSMITTED BY THE SPANISH MINI-
-- STRY OF FOREIGN AFFAIRS TO THE EMBASSY FOLLOWING
-- THE SIGNATURE OF THIS PROTOCOL.
-- (B) THE NAMES OF THE MEMBERS OF THE UNITED STATES
-- COMPONENT SHALL BE TRANSMITTED BY THE EMBASSY
-- TO THE SPANISH MINISTRY OF FOREIGN AFFAIRS
-- FOLLOWING THE SIGNATURE OF THIS PROTOCOL.

-- (C) ANY SUBSEQUENT CHANGE OF REPRESENTATIVES SHALL
-- BE NOTIFIED PROMPTLY IN ACCORDANCE WITH THE
-- FOREGOING PROCEDURE.

3. DECISIONS OF THE JOINT COMMITTEE SHALL BE ADOPTED BY
AGREEMENT OF THE TWO NATIONAL COMPONENTS, AS EXPRESSED BY
THE COCHAIRMEN.

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4. (A) THE JOINT COMMITTEE SHALL HOLD TWO REGULAR
-- SESSIONS PER YEAR AND AS MANY SPECIAL SESSIONS
-- AS ARE CONSIDERED DESIRABLE BY THE COCHAIRMEN.

-- (B) THE JOINT COMMITTEE MAY ESTABLISH SUBSIDIARY
-- ORGANS AND INFORMAL WORKING GROUPS AND MAY INVITE
-- SUCH PERSONS AS IT CONSIDERS APPROPRIATE TO ITS
-- MEETINGS.

-- ARTICLE III

IN FULFILLING ITS FUNCTIONS UNDER THE TERMS OF THE SUPP-
LEMENTARY AGREEMENT, THE JOINT COMMITTEE SHALL:

-- (1) FORMULATE ANNUAL PROGRAM PLANS OF SCIENTIFIC AND
-- TECHNOLOGICAL COOPERATION BETWEEN THE TWO
-- COUNTRIES AND SUBMIT SUCH PLANS TO THE COUNCIL
OR THE TWO GOVERNMENTS PURSUANT TO ARTICLE VII
OF THE SUPPLEMENTARY AGREEMENT:

- (2) REVIEW ALL PROGRAMS, ACTIVITIES, AND OPERATIONS;
- (3) RECOMMEND TO THE COUNCIL OR THE TWO GOVERNMENTS, WHEN APPROPRIATE, THE MODIFICATION, POSTPONEMENT, OR TERMINATION OF PROGRAMS, AFTER CONSULTATION WITH ALL AFFECTED AGENCIES AND INSTITUTIONS;
- (4) REPORT TO THE COUNCIL AT LEAST ONCE A YEAR ON ITS ACTIVITIES AND THE FULFILLMENT OF ITS RESPONSIBILITIES;
- (5) IMPLEMENT THE DIRECTIVES WHICH IT RECEIVES FROM THE COUNCIL AND THE TWO GOVERNMENTS REGARDING THE REALIZATION OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE TWO COUNTRIES.

-- ARTICLE IV

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THE JOINT COMMITTEE INITIALLY AND AS APPROPRIATE FROM TIME TO TIME SHALL:

- (1) SUBMIT PROPOSALS TO THE COUNCIL OR THE TWO GOVERNMENTS FOR THE ESTABLISHMENT OF OVERALL GOALS AND OBJECTIVES IN THE FIELDS OF SCIENCE AND TECHNOLOGY IDENTIFIED IN ARTICLES XIII THROUGH XVIII OF THE SUPPLEMENTARY AGREEMENT;
- (2) SUBMIT PROPOSALS TO THE COUNCIL OR THE TWO GOVERNMENTS FOR THE ALLOCATION OF FUNDS MADE AVAILABLE PURSUANT TO THE TREATY AND THE SUPPLEMENTARY AGREEMENT FOR THE PURPOSES OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION;
- (3) IDENTIFY THOSE AGENCIES IN EACH COUNTRY WHICH ARE TO COOPERATE TO ACHIEVE THE GOALS AND OBJECTIVES IN THE FIELDS OF SCIENCE AND TECHNOLOGY AS SPECIFIED IN ARTICLE IV (A) ABOVE;
- (4) ARRANGE FOR THE CONDUCT OF BUSINESS OF THE JOINT COMMITTEE BETWEEN FORMAL SESSIONS.

-- ARTICLE V

A COMMITTEE SECRETARIAT SHALL BE ESTABLISHED TO ASSIST THE JOINT COMMITTEE. IT SHALL BE HEADED BY AN EXECUTIVE SECRETARY, WHO WILL BE AN OFFICER OF THE SPANISH DIPLOMATIC SERVICE AND WHO WILL ACT ON INSTRUCTIONS OF THE JOINT COMMITTEE. THE EXECUTIVE SECRETARY SHALL ADMINI-

STER A STAFF OF SPANISH NATIONALS WHO SHALL PERFORM
ADMINISTRATIVE TASKS WITHIN THE COMPETENCE OF THE JOINT

COMMITTEE. THESE TASKS MAY INCLUDE BUT ARE NOT LIMITED
TO:

- (1) MAINTENANCE OF PROGRAM FILES AND CORRESPONDENCE;
- (2) PREPARATION OF MATERIALS FOR JOINT COMMITTEE
-- CONSIDERATION;
- (3) RECORDS OF JOINT COMMITTEE MEETINGS AND ACTIONS;
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- (4) COMMUNICATION WITH SPANISH GOVERNMENT AGENCIES
-- IN CONNECTION WITH IMPLEMENTATION OF THE PROGRAM;
- (5) PROCUREMENT OF GOODS AND SERVICES FOR APPROVED
-- AND FUNDED PROJECTS AT SPANISH CENTERS, WHEN
-- REQUESTED, INCLUDING IMPORTATION AND DELIVERY TO
-- SITE OF EQUIPMENT AND MATERIALS, IN ACCORDANCE
-- WITH U.S. GOVERNMENT REGULATIONS;
- (6) TRAVEL SUPPORT SERVICES FOR SPANISH AND U.S.
-- INVESTIGATORS, MEMBERS OF THE JOINT COMMITTEE, ITS
-- CONSULTANTS AND AD HOC MEMBERS WHEN REQUESTED;
- (7) MAINTENANCE OF, AND PREPARATION OF PERIODIC
-- REPORTS ON BUDGET AND FISCAL RECORDS, DISBURSE-
-- MENT OF FUNDS FOR TRAVEL, GOODS AND SERVICES AND
-- GENERAL EXPENSES AS APPROVED BY THE JOINT COM-
-- MITTEE;
- (8) MAINTENANCE OF COMMUNICATIONS WITH THE UNITED
-- STATES EMBASSY AND THE UNITED STATES DEPARTMENT
-- OF STATE ON BUDGET AND FISCAL MATTERS.

-- ARTICLE VI

THE ANNUAL OPERATING BUDGET OF THE COMMITTEE SECRETARIAT,
WITH THE EXCEPTION OF THE SALARY OF THE EXECUTIVE SECRE-
TARY, SHALL BE MET FROM THE ANNUAL FUNDS MADE AVAILABLE
PURSUANT TO THE SUPPLEMENTARY AGREEMENT BY THE GOVERN-
MENT OF THE UNITED STATES TO IMPLEMENT THE PROGRAMS FOR-
MULATED UNDER THE SUPPLEMENTARY AGREEMENT. THE ANNUAL
OPERATING BUDGET, WHICH SHALL BE SUBJECT TO APPROVAL BY
THE JOINT COMMITTEE AND EITHER THE COUNCIL OR THE TWO
GOVERNMENTS, SHALL NOT EXCEED 2.5 OF SUCH FUNDS.

-- ARTICLE VII

THE JOINT COMMITTEE SHALL HAVE ITS HEADQUARTERS IN THE
SPANISH MINISTRY OF FOREIGN AFFAIRS.

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-- ARTICLE VIII

THE JOINT COMMITTEE MAY, AS APPROPRIATE, AMEND THIS
PROTOCOL SUBJECT TO THE APPROVAL OF THE TWO GOVERNMENTS.

DONE AT MADRID ON , IN DUPLICATE, IN ENGLISH AND
IN SPANISH, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE UNITED STATES GOVERNMENT: FOR THE SPANISH GOVERN-
-- MENT:

ROBINSON

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